

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

WILLIAM SPILLMAN and	)	
KATRINA GARCIA SPILLMAN,	)	
	)	
Plaintiffs,	)	Case no. 1:19-CV-660-RB-LF
	)	
v.	)	
	)	
VERIZON WIRELESS SHORT TERM	)	
DISABILITY PLAN, METROPOLITAN	)	
LIFE INSURANCE COMPANY, and	)	
CELLCO PARTNERSHIP D/B/A	)	
VERIZON WIRELESS,	)	
	)	
Defendants.	)	

**MOTION OF DEFENDANTS VERIZON WIRELESS AND VERIZON  
STD PLAN FOR PERMISSION FOR CLIENT REPRESENTATIVE  
TO ATTEND SETTLEMENT CONFERENCE VIA TELEPHONE**

Now come Defendants Verizon Wireless Short Term Disability Plan (the “Plan” or the “Verizon STD Plan”) and Cellco Partnership d/b/a Verizon Wireless (“Verizon”), by and through their undersigned counsel, and respectfully request that the Court grant permission for Defendants’ client representative to participate in the Settlement Conference scheduled for January 10, 2020 via telephone, rather than in person. In support of this motion, Defendants state as follows:

1. This ERISA action involves claims asserted by William Spillman and his spouse seeking disability benefits under the short term disability plan sponsored by Verizon Wireless for its employees. According to Verizon’s calculations, the total amount of short term disability benefits at issue is approximately \$17,000. The Verizon STD Plan is self-funded by Verizon.

2. A Settlement Conference before Magistrate Judge Fashing is scheduled for January 10, 2020 at 9:00 a.m.

3. The September 24, 2019 order entered by the Court scheduling this settlement conference states that client representatives with full settlement authority must be present in person. The order further states that in the event a client representative requests to be excused from personal attendance at the conference, such request must be submitted in writing five calendar days prior to the conference.

4. Verizon and the Verizon STD Plan will be represented at the settlement conference by outside counsel James P. Hollihan, Esquire, along with Lorraine Grande, Esquire, in-house legal counsel for Verizon who has full settlement authority for these Defendants.

5. Ms. Grande's office is located in Basking Ridge, New Jersey. Given the expense and travel logistics associated with her traveling from New Jersey to Albuquerque, and the relatively small amount of benefits at issue in this action, Defendants request that she be granted leave to participate in the conference by telephone in lieu of personal attendance.

6. Outside counsel James Hollihan states, as further support for this request, that over the years he has attended a number of mediations and settlement conferences with Ms. Grande as Verizon's client representative participating by telephone. In none of those conferences which she attended by telephone were there any problems in communications between her and either counsel of the mediator/settlement judge.

7. In accordance with Local Rule 7.1(a), the undersigned counsel contacted counsel for Plaintiffs and counsel for co-Defendant Metropolitan Life Insurance Company ("MetLife") to determine whether they concurred with this motion. Counsel for MetLife

responded that he does not oppose this motion. Counsel for Plaintiffs responded that she opposes this motion.

WHEREFORE, Defendants Verizon and the Verizon STD Plan respectfully request that their client representative, Lorraine Grande, be granted leave to participate in the January 10, 2020 settlement conference via telephone from her office in Basking Ridge, New Jersey.

Dated: December 30, 2019

Respectfully submitted,

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Attorneys for Defendant,  
Cellco Partnership d/b/a Verizon Wireless and  
the Verizon Wireless Short term Disability  
Plan

**CERTIFICATE OF SERVICE**

I hereby that on this 30th day of December, 2019 a true and correct copy of the foregoing Motion of Defendants Verizon Wireless and the Verizon Wireless STD Plan for Permission for Client Representative to Attend Settlement Conference by Telephone was served by operation of the Court's electronic filing system upon the following counsel of record:

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